



Case No.: 4114/85530

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METHODS AND COMPOSITIONS FOR HIGH LEVEL EXPRESSION OF A HETEROLOGOUS PROTEIN WITH POOR CONDON USAGE

the specification of which is attached hereto unless the following space is checked:

Prior F  (Numb	,	(Cou	intry) C. § 119(e) of any Unit Filing Date	(Day/Month/Year filed) ed States provisional application	Claimed
Prior F  (Numb	er)	(Cou	•,	,	Claimed
Prior F			ntry)	(Day/Month/Year filed)	Claimed
	oreign Appli	· ,			Claimed
Ū		cation(s):			Priority
certific	ate, listed bel	ow and have also iden		of any foreign application(s) for an application for patent or inventi- laimed:	
	wledge the d tle 37 CFR §		nation which is materia	l to the examination of this appli	cation in accordance
		o not believe that the to this application.	invention was in public	c use or on sale in the Untied Sta	tes of America more
				atented or described in any printe ar prior to this application.	ed publication in any
	•	have reviewed and by any amendment re		s of the above-identified specifi	cation, including the
		And was amen	nded on	, if applicable	
		Application of	erial No	_	
	[	_	as		





I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

**Application Number** 

Filing Date

Status — patented, pending, abandoned

1.

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Peter D. McDermott

Reg. No. 29411

John P. Iwanicki

Reg. No. 34628

Dale A. Malone

Reg. No. 32155

Kathleen M. Williams

Reg. No. 34380

as my Attorneys.

Address all correspondence to:

Kathleen M. Williams, Esq. BANNER & WITCOFF, LTD. 28 State Street, 28th Floor Boston, MA 02109

Direct all telephone calls to Kathleen M. Williams, Esq. at (617) 227-7111.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First named inventor:

Inventor's signature:

Date

Fill Name of Inventor: Carsten-Peter Carstens

Residence: United States Citizenship: United States

Post Office Address: La Jolla California

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or Patentee:

Carsten-Peter Carstens

Serial No.:

Not yet assigned

Filed:

Concurrently herewith

Entitled:

Methods and Compositions for High Level Expression of a Heterologous

Protein with Poor Codon Usage

Attorney Docket No.:

4114/85530

#### VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(d) AND 1.27(d)) -SMALL BUSINESS CONCERN

I hereby declare that I am an official empowered to act on behalf of the small business concern identified below:

Name of Organization:

Stratagene

Address of Organization:

11011 North Torrey Pines Road

La Jolla, CA 92130

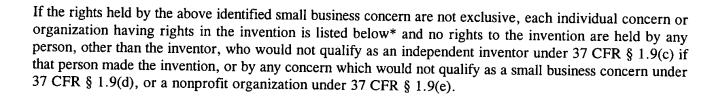
I hereby declare that the small business concern identified above qualifies as a small business concern as defined in 37 C.F.R. § 1.9(d) for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled

# METHODS AND COMPOSITIONS FOR HIGH LEVEL EXPRESSION OF A HETEROLGOUS PROTEIN WITH POOR CODON USAGE

by inventor(s)	Carsten-Peter Carstens		
described in			
[X ]	the specification filed herewith		
[ ]	Application Serial No		filed
[ ]	Patent No.	, issued _	

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern with regard to the above-identified invention.





Ronni Sherman	
NAME OF PERSON SIGNING	
Executive Vice President & General Counsel	
TITLE IN ORGANIZATION	
STRATAGENE	
11011 North Torrey Pines Road, La Jolla, CA 92037	
COMPANY	
SIGNATURE	
DATE	

# UNITED STATES CONTINUING UTILITY PATENT APPLICATION under 37 C.F.R. § 1.53(b)

Atty. Docket No. 4114/85530

14. All correspondence for the attached application should be directed to:

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15. Other:

By: Kathlen M. Williams, Ph.D.

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KMW/am